

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHANG *et al.*

Appl. No. *To Be Assigned*

Filed: *Herewith*

For: **High-Performance Network
Switch**

Confirmation No. *To Be Assigned*

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 1988.0060007/MVM/GSB

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Attached is our PTO-2038 Credit Card Payment Form [OR] Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version

of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

- 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- 7. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/855,031, filed May 15, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



George S. Bardmesser
Attorney for Applicants
Registration No. 44,020

Date: 12/17/03

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FORM PTO-1449
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
1988.0060007

APPLICATION NO.
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CHANG *et al.*

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Herewith

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,430,442	07/1995	Kaiser <i>et al.</i>			
	AB1	5,815,146	09/1998	Youden <i>et al.</i>			
	AC1	5,835,496	11/1998	Yeung <i>et al.</i>			
	AD1	5,870,538	02/1999	Manning <i>et al.</i>			
	AE1	5,907,660	05/1999	Inoue <i>et al.</i>			
	AF1	5,915,094	06/1999	Kouloheris <i>et al.</i>			
	AG1	5,936,939	08/1999	Des Jardins <i>et al.</i>			
	AH1	6,038,288	03/2000	Thomas <i>et al.</i>			
	AI1	6,151,301	11/2000	Holden			
	AJ1	6,222,845 B1	04/2001	Shue <i>et al.</i>			
	AK1	6,333,929 B1	12/2001	Drottler <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1						Yes No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	1	Spurgeon, C., <i>Ethernet, The Definitive Guide</i> , O'Reilly & Associates, Inc., Sebastopol, CA, February, 2000, entire book submitted.				
	AS	1	"Foundry Networks, Inc. - Biglron 8000 Gigabit 4000, Layer 2 & Layer 3 Interoperability Evaluation," <i>The Tolly Group</i> , No. 199133. October 1999, 4 pages.				
	AT	1	"Foundry Networks, Inc. - Biglron 8000 Gigabit Ethernet Switching Router, Layer 2 & Layer 3 Performance Evaluation," <i>The Tolly Group</i> , No. 199111, May 1999, 4 pages.				

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	09/855,031	—	Andrew Chang <i>et al.</i>	—	—	05/15/2001
	AB2	09/855,038	—	Andrew Chang <i>et al.</i>	—	—	05/15/2001
	AC2	09/855,025	—	Andrew Chang <i>et al.</i>	—	—	05/15/2001
	AD2	09/855,015	—	Andrew Chang <i>et al.</i>	—	—	05/15/2001
	AE2	09/988,066	—	Ronak Patel <i>et al.</i>	—	—	11/16/2001
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	"Lab Testing Summary Report - Product Category: Layer-3 Switches, Vendor Tested: Foundry Networks, Product Tested: Big Iron 4000," <i>Mier Communications, Inc.</i> , Report No. 231198, October 1998, 6 pages.				
	AS	2	"Lab Testing Summary Report - Product Category: Gigabit Backbone Switches, Vendor Tested: Foundry Networks, Product Tested: BigIron 4000," <i>Mier Communications, Inc.</i> , Report No. 210998, September 1998, 6 pages.				
	AT	2	"Switch Fabric Chipset - CX27300 iScale™," <i>Mindspeed - A Conexant Business</i> , April 30, 2001, 2 pages.				

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	AA3						
	AB3						
	AC3						
	AD3						
	AE3						
	AF3						
	AG3						
	AH3						
	AI3						
	AJ3						
	AK3						

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	AL3						Yes No
	AM3						Yes No
	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	"17x17 3.2 Gbps Crosspoint Switch with Input Equalization - M21110," <i>Mindspeed - A Conexant Business</i>
	AS	<u>3</u>	Matsumoto, C., "Switch Fabrics Touted At Interconnects Conference," <i>EE Times</i> , August 21, 2001, 2 pages.
	AT	<u>3</u>	"BigIron Architecture Technical Brief," <i>Foundry Networks</i> , May 1999, Version 2.01, 15 pages.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA4						
	AB4						
	AC4						
	AD4						
	AE4						
	AF4						
	AG4						
	AH4						
	AI4						
	AJ4						
	AK4						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4						Yes No
	AM4						Yes No
	AN4						Yes No
	AO4						Yes No
	AP4						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>4</u>	Kichorowsky, R. and Whitehurst, R., "Mindspeed™ Switch Fabric Offers the Most Comprehensive Solution for Multi-Protocol Networking Equipment," April 30, 2001, 3 pages.
AS	<u>4</u>	"Biglron Architecture Technical Brief," <i>Foundry Networks</i> , July 2001, Version 2.02, 16 pages.
AT	<u>4</u>	"Biglron Architecture Technical Brief," <i>Foundry Networks</i> , May 1999, Version 2.0, 15 pages.

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA5						
	AB5						
	AC5						
	AD5						
	AE5						
	AF5						
	AG5						
	AH5						
	AI5						
	AJ5						
	AK5						

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	AL5						Yes No
	AM5						Yes No
	AN5						Yes No
	AO5						Yes No
	AP5						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	"BigIron Architecture Technical Brief," <i>Foundry Networks</i> , December 1998, Version 1.03, 14 pages.
	AS	<u>5</u>	"BigIron Architecture Technical Brief," <i>Foundry Networks</i> , October 1998, Version 1.02, 15 pages.
	AT	<u>5</u>	"BigIron Architecture Technical Brief," <i>Foundry Networks</i> , October 1998, Version 1.0, 15 pages.

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